

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 28521 Permit 19875 License

**ORDER APPROVING CHANGE IN POINTS OF DIVERSION,
REDISTRIBUTION OF STORAGE,
A NEW DEVELOPMENT SCHEDULE, AND
AMENDING THE PERMIT**

WHEREAS:

1. Permit 19875 was issued to Mace Meadow Golf and Country Club, Inc. on August 26, 1986, pursuant to Application 28521.
2. Petition for Changes and an Extension of Time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said change and an extension of time.
4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. As a result of a complaint action, Permit 19875 should be conditioned by adding the provisions of the letter dated June 7, 1994.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 1 of the permit be amended to read:

Source:

(1,2, & 4) Unnamed Stream

(3) Unnamed Stream

(5) Pioneer Creek

Tributary to:

Pioneer Creek

Pioneer Creek

Sutter Creek thence

Dry Creek thence

Mokelumne River thence

San Joaquin River

2. Condition 2 of the permit be amended to read:

- 1) Point of Diversion at Reservoir No. 1: South 1,200 feet and East 2,200 feet from the NW corner of Section 22, T7N, R13E, MDB&M; being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 3, North 710,300 and East 1,991,100.
- 2) Point of Diversion at Reservoir No. 2: South 1,000 feet and East 2,250 feet from NW corner of Section 22, T7N, R13E, MDB&M; being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 3, North 710,500 and East 1,991,150.
- 3) Point of Diversion at Reservoir No. 3: North 250 feet and East 1,300 feet from the SW corner of Section 15, T7N, R13E, MDB&M; being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 3, North 711,750 and East 1,990,200.
- 4) Point of Diversion at Reservoir No. 4: North 150 feet and East 1,100 feet from the SW corner of Section 15, T7N, R13E, MDB&M; being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 3, North 711,650 and East 1,990,000.
- 5) Point of Diversion to Offstream Reservoir No. 7: North 200 feet and East 50 feet from the SW corner of Section 15, T7N, R13E, MDB&M; being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 3, North 711,700 and East 1,988,950. (0000002)

3. Condition 4 of the permit be amended to read:

45 net acres, within a gross area of 110 acres, as shown on the map dated 6/11/92 and described as follows:

- 9 acres, within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16;
- 8 acres, within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15;
- 5 acres, within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15;
- 2 acres, within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21;
- 7 acres, within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22; and
- 14 acres, within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22;
- All within T7N, R13E, MDB&M. (0000004)

4. Condition 5 of the permit be amended to read:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 35 acre-feet per annum by storage to be collected from December 1 of each year to March 31 of the succeeding year. The capacity of Reservoir No. 1 shall

not exceed 0.3 acre-feet, the capacity of Reservoir No. 2 shall not exceed 0.4 acre-feet, the capacity of Reservoir No. 3 shall not exceed 7.9 acre-feet, the capacity of Reservoir No. 4 shall not exceed 5.4 acre-feet, and the capacity of Reservoir No. 7 shall not exceed 21 acre-feet which are the stated capacities shown in the petition. (0000005)

The total amount of water to be taken from the source shall not exceed 35 acre-feet per water year of October 1 to September 30. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 10 cubic feet per second.

5. Condition 9 of the permit be amended to read:

Complete application of the water to the proposed use shall be made on or before December 31, 2008. (0000009)

6. Condition 12 be added to the permit to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected

parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

7. Condition 22 be added to the permit to read:

Permittee shall provide Amador County with the only key to the splitter box located between POD #6 and POD #7. Amador County will make regular inspections of the operations of Permittee or will make inspections as the need arises, based on concerns of interested parties. (0480300)

8. Condition 23 be added to the permit to read:

Permittee shall take the following actions:

Add additional concrete around Weir #3 to further stabilize and reduce possibility of washout during storm events.

Raise the height of Weir #2 approximately 8" such that it will maintain a free discharge.

Irrigate from Pond #7 initially in the spring until Pond #6 ceases to spill. At the point when Pond #6 stops spilling, permittee will notify Amador County such that a verification inspection can be made if desired. Thereafter, Permittee may decide which pond they wish to pump from for the duration of that irrigation season.

Report whether flow is present in the concrete channel located between Ponds 4 and 6 and install a staff gauge to measure the depth of flow when flow is present.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (9990300)

9. Condition 24 be added to the permit to read:

Permittee shall install and maintain measuring devices satisfactory to the State Water Resources Control Board and keep weekly records. The volume of water stored in ponds #1-#4, #6 & #7 shall be measured in acre-feet. The amount of water bypassing weirs #1-#4 shall be measured in cubic feet per second. Weir #1 shall be reported as the

quantity measured at the weir plus 30 percent. The amount of water drawn from wells #1, and #2 shall be measured in gallons. The amount of water pumped at pump house #1 for irrigation shall be measured in gallons. The depth of water in the stream channel between ponds #4 and #6 shall be measured in inches. The amount of treated effluent received shall be measured in gallons. (0060300)

10. Condition 25 be added to the permit to read:

Weirs #1-#4 shall be maintained satisfactory to the State Water Resources Control Board. Weirs shall be located as shown on site map, Figure 4, Initial Study (June 1997) for Change Petition for Permit 19875. Weirs #1, #2, and #4, shall be of the 90° V notch weir type. Weir #3 shall be of the type that has a 90° V notch for low flows and a rectangle weir for high flows. (0060300)

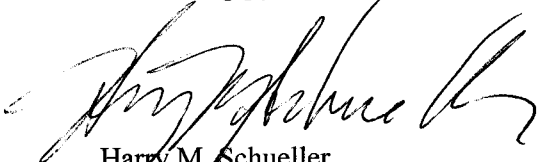
11. Condition 26 be added to the permit to read:

Permittee shall submit records of all measurements with annual "Progress Report by Permittee". (0090300)

12. Condition 27 be added to the permit to read:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. section 1531 to 1544). If a "taking" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

Dated: **JUN 10 1999**


Harry M. Schueller
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19875Application 28521 of Mace Meadow Golf and Country Club, Inc.P. O. Box 502, Pioneer, California 95666filed on July 22, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Pioneer CreekSutter Creek thenceDry Creek thenceMokelumne River thenceSan Joaquin River(2) Unnamed StreamPioneer Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
To Unnamed Offstream Reservoir (1) North 200 feet and East 150 feet from SW corner of Section 15	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	15	7N	13E	MD
Unnamed Reservoir (2) North 330 feet and West 900 feet from SE corner of Section 16	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	16	7N	13E	MD

County of Amador

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Irrigation	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	16	7N	13E	MD	20
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	21	7N	13E	MD	10
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	22	7N	13E	MD	7.5
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	22	7N	13E	MD	7.5
					Total	45.0

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 35 acre-feet per annum to be collected from December 1 of each year to March 31 of the succeeding year as follows: 25 acre-feet per annum in the unnamed offstream reservoir, and 10 acre-feet per annum in the unnamed onstream reservoir. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 10 cubic feet per second. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1989. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1990. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
14. No water shall be diverted from the lowland located just downstream of the existing 45 acre-foot reservoir licensed pursuant to Application 23491. A french drain system shall be installed to continually drain said lowland into Pioneer Creek. (0350400)
15. For the protection of fish and wildlife, permittee shall, during the period from December 1 through March 31, divert into the reservoir served by point of diversion (1) no more than 50% of the water spilling from the existing 45 acre-foot reservoir licensed pursuant to Application 23491. The remaining spill from the existing 45 acre-foot reservoir shall be bypassed into Pioneer Creek. 0060
(0140400)
16. No water shall be diverted under this permit until a "splitter box" approved by the State Water Resources Control Board is installed at point of diversion (1). Construction, operation and maintenance of the "splitter box" facility shall be at permittee's expense. 0060062
(0350800)
17. The area between the spillway of the existing 45 acre-foot reservoir licensed pursuant to Application 23491 and the new 14th fairway shall be left in its natural state. The forested area along the north side of Pioneer Creek in the vicinity of the 14th green and 15th tee shall also be left in its natural state. (0190500)
18. Slashing from timber harvesting shall be removed from Pioneer Creek. (0120500)
19. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure water diverted into the unnamed offstream reservoir from Pioneer Creek and water released from or flowing out of the reservoir. (0060046)
20. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

21. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the San Joaquin River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing.

(0000090)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 26 1986

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights